

stable, or other building, parcel of a dwelling house", in section 464 of title 18, U.S.C., 1940 ed., and "any arsenal, armory, magazine, rope walk, ship house, warehouse, blockhouse, or barrack, or any storehouse, barn or stable, not parcel of a dwelling house, or any other building not mentioned in the section last preceding, or any vessel, built, building, or undergoing repair, or any lighthouse, or beacon, or any machinery, timber, cables, rigging, or other materials or appliances for building, repairing or fitting out vessels, or any pile of wood, boards, or other lumber, or any military, naval or victualing stores, arms, or other munitions of war", in section 465 of title 18, U.S.C., 1940 ed. The substituted phrase is a concise and comprehensive description of the things enumerated in both sections.

The punishment provisions are new and are graduated with some regard to the gravity of the offense. It was felt that a possible punishment of 20 years for burning a wood pile or injuring or destroying an outbuilding was disproportionate and not in harmony with recent legislation.

AMENDMENTS

1996—Pub. L. 104-132, in first par., substituted "imprisoned for not more than 25 years, fined the greater of the fine under this title or the cost of repairing or replacing any property that is damaged or destroyed, or both" for "fined under this title or imprisoned not more than five years, or both".

1994—Pub. L. 103-322 substituted "fined under this title" for "fined not more than \$1,000" in first par. and for "fined not more than \$5,000" in second par.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2332b, 2339A, 3295, 5032 of this title.

CHAPTER 7—ASSAULT

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| Sec.
111.
112.
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116. | Assaulting, resisting, or impeding certain officers or employees.
Protection of foreign officials, official guests, and internationally protected persons.
Assaults within maritime and territorial jurisdiction.
Maiming within maritime and territorial jurisdiction.
Influencing, impeding, or retaliating against a Federal official by threatening or injuring a family member.
Female genital mutilation. |
|--|--|

AMENDMENTS

1996—Pub. L. 104-208, div. C, title VI, §645(b)(2), Sept. 30, 1996, 110 Stat. 3009-709, added item 116.

1984—Pub. L. 98-473, title II, §1008(b), Oct. 12, 1984, 98 Stat. 2140, added item 115.

1976—Pub. L. 94-467, §6, Oct. 8, 1976, 90 Stat. 2000, substituted "official guests, and internationally protected persons" for "and official guests" in item 112.

1972—Pub. L. 92-539, title III, §302, Oct. 24, 1972, 86 Stat. 1073, substituted "Protection of foreign officials and official guests" for "Assaulting certain foreign diplomatic and other official personnel" in item 112.

1964—Pub. L. 88-493, §2, Aug. 27, 1964, 78 Stat. 610, substituted "certain foreign diplomatic and other official personnel" for "public minister" in item 112.

§ 111. Assaulting, resisting, or impeding certain officers or employees

(a) IN GENERAL.—Whoever—

(1) forcibly assaults, resists, opposes, impedes, intimidates, or interferes with any person designated in section 1114 of this title while engaged in or on account of the performance of official duties; or

(2) forcibly assaults or intimidates any person who formerly served as a person des-

ignated in section 1114 on account of the performance of official duties during such person's term of service,

shall, where the acts in violation of this section constitute only simple assault, be fined under this title or imprisoned not more than one year, or both, and in all other cases, be fined under this title or imprisoned not more than three years, or both.

(b) ENHANCED PENALTY.—Whoever, in the commission of any acts described in subsection (a), uses a deadly or dangerous weapon (including a weapon intended to cause death or danger but that fails to do so by reason of a defective component) or inflicts bodily injury, shall be fined under this title or imprisoned not more than ten years, or both.

(June 25, 1948, ch. 645, 62 Stat. 688; Pub. L. 100-690, title VI, §6487(a), Nov. 18, 1988, 102 Stat. 4386; Pub. L. 103-322, title XXXII, §320101(a), Sept. 13, 1994, 108 Stat. 2108; Pub. L. 104-132, title VII, §727(c), Apr. 24, 1996, 110 Stat. 1302.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §§118, 254 (Mar. 4, 1909, ch. 321, §62, 35 Stat. 1100; May 18, 1934, ch. 299, §2, 48 Stat. 781).

This section consolidates sections 118 and 254 with changes in phraseology and substance necessary to effect the consolidation.

Also the words "Bureau of Animal Industry of the Department of Agriculture" appearing in section 118 of title 18, U.S.C., 1940 ed., were inserted in enumeration of Federal officers and employees in section 1114 of this title.

The punishment provision of section 254 of title 18, U.S.C., 1940 ed., was adopted as the latest expression of Congressional intent. This consolidation eliminates a serious incongruity in punishment and application.

AMENDMENTS

1996—Subsec. (b). Pub. L. 104-132 inserted "(including a weapon intended to cause death or danger but that fails to do so by reason of a defective component)" after "deadly or dangerous weapon".

1994—Subsec. (a). Pub. L. 103-322, §320101(a)(1), inserted ", where the acts in violation of this section constitute only simple assault, be fined under this title or imprisoned not more than one year, or both, and in all other cases," after "shall" in concluding provisions.

Subsec. (b). Pub. L. 103-322, §320101(a)(2), inserted "or inflicts bodily injury" after "weapon".

1988—Pub. L. 100-690 amended text generally. Prior to amendment, text read as follows:

"Whoever forcibly assaults, resists, opposes, impedes, intimidates, or interferes with any person designated in section 1114 of this title while engaged in or on account of the performance of his official duties, shall be fined not more than \$5,000 or imprisoned not more than three years, or both.

"Whoever, in the commission of any such acts uses a deadly or dangerous weapon, shall be fined not more than \$10,000 or imprisoned not more than ten years, or both."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 115, 3050 of this title; title 7 sections 84, 87c; title 16 section 742i; title 19 section 1629; title 22 section 2709; title 25 section 2804; title 42 sections 2000e-13, 2283.

§ 112. Protection of foreign officials, official guests, and internationally protected persons

(a) Whoever assaults, strikes, wounds, imprisons, or offers violence to a foreign official, offi-

cial guest, or internationally protected person or makes any other violent attack upon the person or liberty of such person, or, if likely to endanger his person or liberty, makes a violent attack upon his official premises, private accommodation, or means of transport or attempts to commit any of the foregoing shall be fined under this title or imprisoned not more than three years, or both. Whoever in the commission of any such act uses a deadly or dangerous weapon, or inflicts bodily injury, shall be fined under this title or imprisoned not more than ten years, or both.

(b) Whoever willfully—

(1) intimidates, coerces, threatens, or harasses a foreign official or an official guest or obstructs a foreign official in the performance of his duties;

(2) attempts to intimidate, coerce, threaten, or harass a foreign official or an official guest or obstruct a foreign official in the performance of his duties; or

(3) within the United States and within one hundred feet of any building or premises in whole or in part owned, used, or occupied for official business or for diplomatic, consular, or residential purposes by—

(A) a foreign government, including such use as a mission to an international organization;

(B) an international organization;

(C) a foreign official; or

(D) an official guest;

congregates with two or more other persons with intent to violate any other provision of this section;

shall be fined under this title or imprisoned not more than six months, or both.

(c) For the purpose of this section “foreign government”, “foreign official”, “internationally protected person”, “international organization”, “national of the United States”, and “official guest” shall have the same meanings as those provided in section 1116(b) of this title.

(d) Nothing contained in this section shall be construed or applied so as to abridge the exercise of rights guaranteed under the first amendment to the Constitution of the United States.

(e) If the victim of an offense under subsection (a) is an internationally protected person outside the United States, the United States may exercise jurisdiction over the offense if (1) the victim is a representative, officer, employee, or agent of the United States, (2) an offender is a national of the United States, or (3) an offender is afterwards found in the United States. As used in this subsection, the United States includes all areas under the jurisdiction of the United States including any of the places within the provisions of sections 5 and 7 of this title and section 46501(2) of title 49.

(f) In the course of enforcement of subsection (a) and any other sections prohibiting a conspiracy or attempt to violate subsection (a), the Attorney General may request assistance from any Federal, State, or local agency, including the Army, Navy, and Air Force, any statute, rule, or regulation to the contrary, notwithstanding.

(June 25, 1948, ch. 645, 62 Stat. 688; Pub. L. 88-493, §1, Aug. 27, 1964, 78 Stat. 610; Pub. L. 92-539, title

III, §301, Oct. 24, 1972, 86 Stat. 1072; Pub. L. 94-467, §5, Oct. 8, 1976, 90 Stat. 1999; Pub. L. 95-163, §17(b)(1), Nov. 9, 1977, 91 Stat. 1286; Pub. L. 95-504, §2(b), Oct. 24, 1978, 92 Stat. 1705; Pub. L. 100-690, title VI, §6478, Nov. 18, 1988, 102 Stat. 4381; Pub. L. 103-272, §5(e)(2), July 5, 1994, 108 Stat. 1373; Pub. L. 103-322, title XXXII, §320101(b), title XXXIII, §330016(1)(G), (K), Sept. 13, 1994, 108 Stat. 2108, 2147; Pub. L. 104-132, title VII, §721(d), Apr. 24, 1996, 110 Stat. 1298; Pub. L. 104-294, title VI, §604(b)(12)(A), Oct. 11, 1996, 110 Stat. 3507.)

HISTORICAL AND REVISION NOTES

Based on section 255 of title 22, U.S.C., 1940 ed., Foreign Relations and Intercourse (R.S. §4062).

Punishment provision was rewritten to make it more definite by substituting a maximum of \$5,000 in lieu of the words “fined at the discretion of the court.” As thus revised this provision conforms with the first punishment provision of section 111 of this title. So, also, the greater punishment provided by the second paragraph of section 111 was added to this section for offenses involving the use of dangerous weapons.

AMENDMENTS

1996—Subsec. (a). Pub. L. 104-294 repealed Pub. L. 103-322, §320101(b)(1). See 1994 Amendment note below.

Subsec. (c). Pub. L. 104-132, §721(d)(1), inserted “national of the United States,” before “and ‘official guest’”.

Subsec. (e). Pub. L. 104-132, §721(d)(2), inserted first sentence and struck out former first sentence which read as follows: “If the victim of an offense under subsection (a) is an internationally protected person, the United States may exercise jurisdiction over the offense if the alleged offender is present within the United States, irrespective of the place where the offense was committed or the nationality of the victim or the alleged offender.”

1994—Subsec. (a). Pub. L. 103-322, §330016(1)(K), substituted “under this title” for “not more than \$5,000” before “or imprisoned not more than three years”.

Pub. L. 103-322, §320101(b)(2), (3), inserted “, or inflicts bodily injury,” after “weapon” and substituted “under this title” for “not more than \$10,000” before “or imprisoned not more than ten years”.

Pub. L. 103-322, §320101(b)(1), which provided for amendment identical to Pub. L. 103-322, §330016(1)(K), above, was repealed by Pub. L. 104-294, §604(b)(12)(A).

Subsec. (b). Pub. L. 103-322, §330016(1)(G), in concluding provisions, substituted “under this title” for “not more than \$500”.

Subsec. (e). Pub. L. 103-272 substituted “section 46501(2) of title 49” for “section 101(38) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1301(38))”.

1988—Subsec. (b)(3). Pub. L. 100-690 struck out “but outside the District of Columbia” after “United States”.

1978—Subsec. (e). Pub. L. 95-504 substituted reference to section 101(38) of the Federal Aviation Act of 1958 for reference to section 101(35) of such Act.

1977—Subsec. (e). Pub. L. 95-163 substituted reference to section 101(35) of the Federal Aviation Act of 1958 for reference to section 101(34) of such Act.

1976—Pub. L. 94-467 substituted “official guests, and internationally protected persons” for “and official guests” in section catchline.

Subsec. (a). Pub. L. 94-467 substituted “official guest, or internationally protected person” for “or official guest” and inserted provision including any other violent attack on the person or the liberty of such official, guest, or protected person, his official premises, private accommodation, or means of transport, or any attempt thereof, as acts subject to fine or imprisonment.

Subsec. (b). Pub. L. 94-467 restructured subsec. (b) and added pars. (2) and (3).

Subsec. (c). Pub. L. 94-467 redesignated subsec. (d) as (c), inserted “internationally protected persons”, and

struck out reference to section 1116(c) of this title. Former subsec. (c), which related to punishment for intimidating or harassing demonstrations against foreign officials or any combination of two or more persons for such purposes, within one hundred feet of any buildings or premises owned by a foreign government located within the United States but outside the District of Columbia, was struck out.

Subsecs. (d) to (f). Pub. L. 94-467 added subsecs. (e) and (f) and redesignated former subsecs. (d) and (e) as (c) and (d), respectively.

1972—Subsec. (a). Pub. L. 92-539 substituted “Protection of foreign officials and official guests” for “Assaulting certain foreign diplomatic and other official personnel” in section catchline, designated existing provisions as subsec. (a), and substituted “a foreign official or official guest” for “the person of a head of foreign state or foreign government, foreign minister, ambassador or other public minister” and “act” for “acts”.

Subsecs. (b) to (e). Pub. L. 92-539 added subsecs. (b) to (e).

1964—Pub. L. 88-493 included heads of foreign states or governments and foreign ministers.

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-294 effective Sept. 13, 1994, see section 604(d) of Pub. L. 104-294, set out as a note under section 13 of this title.

SHORT TITLE OF 1976 AMENDMENT

Section 1 of Pub. L. 94-467 provided: “That this Act [enacting section 878 of this title, amending this section and sections 11, 970, 1116, and 1201 of this title, and enacting provisions set out as notes under this section] may be cited as the ‘Act for the Prevention and Punishment of Crimes Against Internationally Protected Persons’.”

SHORT TITLE OF 1972 AMENDMENT

Section 1 of Pub. L. 92-539 provided: “That this Act [enacting sections 970, 1116, and 1117 of this title, amending this section and section 1201 of this title, and enacting provisions set out as notes under this section] may be cited as the ‘Act for the Protection of Foreign Officials and Official Guests of the United States’.”

STATE AND LOCAL LAWS NOT SUPERSEDED

Section 10 of Pub. L. 94-467 provided that: “Nothing contained in this Act [see Short Title of 1976 Amendment note above] shall be construed to indicate an intent on the part of Congress to occupy the field in which its provisions operate to the exclusion of the laws of any State, Commonwealth, territory, possession, or the District of Columbia, on the same subject matter, nor to relieve any person of any obligation imposed by any law of any State, Commonwealth, territory, possession, or the District of Columbia, including the obligation of all persons having official law enforcement powers to take appropriate action, such as effecting arrests, for Federal as well as non-Federal violations.”

CONGRESSIONAL FINDINGS AND DECLARATION OF POLICY

Section 2 of Pub. L. 92-539 provided that:

“The Congress recognizes that from the beginning of our history as a nation, the police power to investigate, prosecute, and punish common crimes such as murder, kidnapping, and assault has resided in the several States, and that such power should remain with the States.

“The Congress finds, however, that harassment, intimidation, obstruction, coercion, and acts of violence committed against foreign officials or their family members in the United States or against official guests of the United States adversely affect the foreign relations of the United States.

“Accordingly, this legislation is intended to afford the United States jurisdiction concurrent with that of

the several States to proceed against those who by such acts interfere with its conduct of foreign affairs.”

FEDERAL PREEMPTION

Section 3 of Pub. L. 92-539 provided that: “Nothing contained in this Act [see Short Title of 1972 Amendment note above] shall be construed to indicate an intent on the part of Congress to occupy the field in which its provisions operate to the exclusion of the laws of any State, Commonwealth, territory, possession, or the District of Columbia on the same subject matter, nor to relieve any person of any obligation imposed by any law of any State, Commonwealth, territory, possession, or the District of Columbia.”

IMMUNITY FROM CRIMINAL PROSECUTION

Section 5 of Pub. L. 88-493 provided that: “Nothing contained in this Act [amending this section and section 1114 of this title, and enacting section 170e-1 of former Title 5, Executive Departments and Government Officers and Employees] shall create immunity from criminal prosecution under any laws in any State, Commonwealth of Puerto Rico, territory, possession, or the District of Columbia.”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 11, 878, 3286 of this title; title 22 section 2709.

§ 113. Assaults within maritime and territorial jurisdiction

(a) Whoever, within the special maritime and territorial jurisdiction of the United States, is guilty of an assault shall be punished as follows:

(1) Assault with intent to commit murder, by imprisonment for not more than twenty years.

(2) Assault with intent to commit any felony, except murder or a felony under chapter 109A, by a fine under this title or imprisonment for not more than ten years, or both.

(3) Assault with a dangerous weapon, with intent to do bodily harm, and without just cause or excuse, by a fine under this title or imprisonment for not more than ten years, or both.

(4) Assault by striking, beating, or wounding, by a fine under this title or imprisonment for not more than six months, or both.

(5) Simple assault, by a fine under this title or imprisonment for not more than six months, or both, or if the victim of the assault is an individual who has not attained the age of 16 years, by fine under this title or imprisonment for not more than 1 year, or both.

(6) Assault resulting in serious bodily injury, by a fine under this title or imprisonment for not more than ten years, or both.

(7) Assault resulting in substantial bodily injury to an individual who has not attained the age of 16 years, by fine under this title or imprisonment for not more than 5 years, or both.

(b) As used in this subsection—

(1) the term “substantial bodily injury” means bodily injury which involves—

(A) a temporary but substantial disfigurement; or

(B) a temporary but substantial loss or impairment of the function of any bodily member, organ, or mental faculty; and

(2) the term “serious bodily injury” has the meaning given that term in section 1365 of this title.

(June 25, 1948, ch. 645, 62 Stat. 689; Pub. L. 94-297, §3, May 29, 1976, 90 Stat. 585; Pub. L. 99-646, §87(c)(2), (3), Nov. 10, 1986, 100 Stat. 3623; Pub. L. 99-654, §3(a)(2), (3), Nov. 14, 1986, 100 Stat. 3663; Pub. L. 103-322, title XVII, §170201(a)-(d), title XXXII, §320101(c), title XXXIII, §330016(2)(B), Sept. 13, 1994, 108 Stat. 2042, 2043, 2108, 2148; Pub. L. 104-294, title VI, §604(b)(7), (12)(B), Oct. 11, 1996, 110 Stat. 3507.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §455 (Mar. 4, 1909, ch. 321, §276, 35 Stat. 1143).

Opening paragraph was added to preserve the jurisdictional limitation provided for by section 451 of title 18, U.S.C., 1940 ed., now section 7 of this title. (See reviser's note thereunder.)

Phraseology was simplified.

AMENDMENTS

1996—Pub. L. 104-294, §604(b)(12)(B), repealed Pub. L. 103-322, §320101(c)(1)(A), (2)(A). See 1994 Amendment note below.

Pub. L. 104-294, §604(b)(7), repealed Pub. L. 103-322, §170201(c)(1)-(3). See 1994 Amendment note below.

1994—Pub. L. 103-322, §330016(2)(B), substituted “a fine under this title” for “fine of not more than” through the immediately following dollar amount wherever appearing.

Pub. L. 103-322, §320101(c), as amended by Pub. L. 104-294, §604(b)(12)(B), which directed the amendment of subsec. (c) by substituting “ten years” for “five years” and the amendment of subsec. (e) by substituting “six months” for “three months”, were executed by making the substitutions in subsections. (a)(3) and (a)(5), respectively, to reflect the probable intent of Congress and the redesignation of subsections. (c) and (e) as subsections. (a)(3) and (a)(5), respectively. See below.

Pub. L. 103-322, §170201(a)-(d), as amended by Pub. L. 104-294, §604(b)(7), designated existing provisions as subsec. (a), redesignated former subsections. (a) to (f) as paragraphs. (1) to (6), respectively of subsec. (a) and realigned margins, inserted before period at end of par. (5) “, or if the victim of the assault is an individual who has not attained the age of 16 years, by fine under this title or imprisonment for not more than 1 year, or both”, and added subsections. (a)(7) and (b).

1986—Subsec. (a). Pub. L. 99-646, §87(c)(2), and Pub. L. 99-654, §3(a)(2), amended subsec. (a) identically, striking out “or rape” after “murder”.

Subsec. (b). Pub. L. 99-646, §87(c)(3), and Pub. L. 99-654, §3(a)(3), amended subsec. (b) identically, substituting “a felony under chapter 109A” for “rape”.

1976—Subsec. (f). Pub. L. 94-297 added subsec. (f).

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-294 effective Sept. 13, 1994, see section 604(d) of Pub. L. 104-294, set out as a note under section 13 of this title.

EFFECTIVE DATE OF 1986 AMENDMENTS

Amendments by Pub. L. 99-646 and Pub. L. 99-654 effective respectively 30 days after Nov. 10, 1986, and 30 days after Nov. 14, 1986, see section 87(e) of Pub. L. 99-646 and section 4 of Pub. L. 99-654, set out as an Effective Date note under section 2241 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1113, 3559, 5032 of this title; title 49 section 46506.

§ 114. Maiming within maritime and territorial jurisdiction

Whoever, within the special maritime and territorial jurisdiction of the United States, and with intent to torture (as defined in section

2340), maim, or disfigure, cuts, bites, or slits the nose, ear, or lip, or cuts out or disables the tongue, or puts out or destroys an eye, or cuts off or disables a limb or any member of another person; or

Whoever, within the special maritime and territorial jurisdiction of the United States, and with like intent, throws or pours upon another person, any scalding water, corrosive acid, or caustic substance—

Shall be fined under this title or imprisoned not more than twenty years, or both.

(June 25, 1948, ch. 645, 62 Stat. 689; May 24, 1949, ch. 139, §3, 63 Stat. 90; Pub. L. 98-473, title II, §1009A, Oct. 12, 1984, 98 Stat. 2141; Pub. L. 101-647, title XXXV, §3507, Nov. 29, 1990, 104 Stat. 4922; Pub. L. 103-322, title XXXIII, §330016(1)(O), Sept. 13, 1994, 108 Stat. 2148; Pub. L. 104-132, title VII, §705(a)(1), Apr. 24, 1996, 110 Stat. 1295.)

HISTORICAL AND REVISION NOTES

1948 ACT

Based on title 18, U.S.C., 1940 ed., §462 (Mar. 4, 1909, ch. 321, §283, 35 Stat. 1144).

The words “within the special maritime and territorial jurisdiction of the United States, and” were added to preserve jurisdictional limitation provided for by section 451 of title 18, U.S.C., 1940 ed., now section 7 of this title. (See reviser's note thereunder.)

Changes in phraseology were made.

1949 ACT

This section [section 3] corrects a typographical error in section 114 of title 18, U.S.C.

AMENDMENTS

1996—Pub. L. 104-132 substituted “torture (as defined in section 2340), maim, or disfigure” for “maim or disfigure”.

1994—Pub. L. 103-322 substituted “fined under this title” for “fined not more than \$25,000”.

1990—Pub. L. 101-647 substituted “or imprisoned” for “and imprisoned”.

1984—Pub. L. 98-473 substituted “and imprisoned” for “or imprisoned” and provisions raising maximum fine from \$1,000 to \$25,000 and raising maximum term of imprisonment from seven years to twenty years.

1949—Act May 24, 1949, corrected spelling of “maim”.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 49 section 46506.

§ 115. Influencing, impeding, or retaliating against a Federal official by threatening or injuring a family member

(a)(1) Whoever—

(A) assaults, kidnaps, or murders, or attempts or conspires to kidnap or murder, or threatens to assault, kidnap or murder a member of the immediate family of a United States official, a United States judge, a Federal law enforcement officer, or an official whose killing would be a crime under section 1114 of this title; or

(B) threatens to assault, kidnap, or murder, a United States official, a United States judge, a Federal law enforcement officer, or an official whose killing would be a crime under such section,

with intent to impede, intimidate, or interfere with such official, judge, or law enforcement officer while engaged in the performance of offi-

cial duties, or with intent to retaliate against such official, judge, or law enforcement officer on account of the performance of official duties, shall be punished as provided in subsection (b).

(2) Whoever assaults, kidnaps, or murders, or attempts or conspires to kidnap or murder, or threatens to assault, kidnap, or murder, any person who formerly served as a person designated in paragraph (1), or a member of the immediate family of any person who formerly served as a person designated in paragraph (1), with intent to retaliate against such person on account of the performance of official duties during the term of service of such person, shall be punished as provided in subsection (b).

(b)(1) An assault in violation of this section shall be punished as provided in section 111 of this title.

(2) A kidnapping, attempted kidnapping, or conspiracy to kidnap in violation of this section shall be punished as provided in section 1201 of this title for the kidnapping, attempted kidnapping, or conspiracy to kidnap of a person described in section 1201(a)(5) of this title.

(3) A murder, attempted murder, or conspiracy to murder in violation of this section shall be punished as provided in sections 1111, 1113, and 1117 of this title.

(4) A threat made in violation of this section shall be punished by a fine under this title or imprisonment for a term of not more than five years, or both, except that imprisonment for a threatened assault shall not exceed three years.

(c) As used in this section, the term—

(1) “Federal law enforcement officer” means any officer, agent, or employee of the United States authorized by law or by a Government agency to engage in or supervise the prevention, detection, investigation, or prosecution of any violation of Federal criminal law;

(2) “immediate family member” of an individual means—

(A) his spouse, parent, brother or sister, child or person to whom he stands in loco parentis; or

(B) any other person living in his household and related to him by blood or marriage;

(3) “United States judge” means any judicial officer of the United States, and includes a justice of the Supreme Court and a United States magistrate judge; and

(4) “United States official” means the President, President-elect, Vice President, Vice President-elect, a Member of Congress, a member-elect of Congress, a member of the executive branch who is the head of a department listed in 5 U.S.C. 101, or the Director of the Central Intelligence Agency.

(d) This section shall not interfere with the investigative authority of the United States Secret Service, as provided under sections 3056, 871, and 879 of this title.

(Added Pub. L. 98-473, title II, §1008(a), Oct. 12, 1984, 98 Stat. 2140; amended Pub. L. 99-646, §§37(a), 60, Nov. 10, 1986, 100 Stat. 3599, 3613; Pub. L. 100-690, title VI, §6487(f)[b], Nov. 18, 1988, 102 Stat. 4386; Pub. L. 101-647, title XXXV, §3508, Nov. 29, 1990, 104 Stat. 4922; Pub. L. 101-650, title III, §321, Dec. 1, 1990, 104 Stat. 5117; Pub. L.

103-322, title XXXIII, §§330016(2)(C), 330021(1), Sept. 13, 1994, 108 Stat. 2148, 2150; Pub. L. 104-132, title VII, §§723(a), 727(b), Apr. 24, 1996, 110 Stat. 1300, 1302.)

AMENDMENTS

1996—Subsec. (a)(1)(A). Pub. L. 104-132, §723(a)(1), inserted “or conspires” after “attempts”.

Subsec. (a)(2). Pub. L. 104-132, §727(b)(1), which directed insertion of “, or threatens to assault, kidnap, or murder, any person who formerly served as a person designated in paragraph (1), or” after “assaults, kidnaps, or murders, or attempts to kidnap or murder”, was executed by making the substitution after “assaults, kidnaps, or murders, or attempts or conspires to kidnap or murder” to reflect the probable intent of Congress and the amendment by Pub. L. 104-132, §723(a)(1). See below.

Pub. L. 104-132, §723(a)(1), inserted “or conspires” after “attempts”.

Subsec. (b)(2). Pub. L. 104-132, §723(a)(2), substituted “, attempted kidnapping, or conspiracy to kidnap” for “or attempted kidnapping” in two places.

Subsec. (b)(3). Pub. L. 104-132, §723(a)(3), substituted “, attempted murder, or conspiracy to murder” and “, 1113, and 1117” for “or attempted murder” and “and 1113”, respectively.

Subsec. (d). Pub. L. 104-132, §727(b)(2), added subsec. (d).

1994—Subsec. (b)(2). Pub. L. 103-322, §330021(1), substituted “kidnapping” for “kidnaping” in two places.

Subsec. (b)(4). Pub. L. 103-322, §330016(2)(C), substituted “fine under this title” for “fine of not more than \$5,000”.

1990—Subsec. (c)(4). Pub. L. 101-647 substituted “the Central” for “The Central”.

1988—Subsec. (a). Pub. L. 100-690 amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: “Whoever assaults, kidnaps, or murders, or attempts to kidnap or murder, or threatens to assault, kidnap or murder a member of the immediate family of a United States official, a United States judge, a Federal law enforcement officer, or an official whose killing would be a crime under section 1114 of this title, or threatens to assault, kidnap, or murder, a United States official, a United States judge, a Federal law enforcement officer, or an official whose killing would be a crime under such section with intent to impede, intimidate, interfere with, or retaliate against such official, judge or law enforcement officer while engaged in or on account of the performance of official duties, shall be punished as provided in subsection (b).”

1986—Subsec. (a). Pub. L. 99-646, §60, substituted “section 1114 of this title, or threatens to assault, kidnap, or murder, a United States official, a United States judge, a Federal law enforcement officer, or an official whose killing would be a crime under such section” for “18 U.S.C. 1114, as amended,” “while engaged” for “while he is engaged”, and “official duties” for “his official duties”.

Subsec. (b)(2). Pub. L. 99-646, §37(a), inserted “for the kidnapping or attempted kidnapping of a person described in section 1201(a)(5) of this title”.

CHANGE OF NAME

“United States magistrate judge” substituted for “United States magistrate” in subsec. (c)(3) pursuant to section 321 of Pub. L. 101-650, set out as a note under section 631 of Title 28, Judiciary and Judicial Procedure.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 21, 1956, 2261A, 2516, 4243 of this title.

§ 116. Female genital mutilation

(a) Except as provided in subsection (b), whoever knowingly circumcises, excises, or infibulates

lates the whole or any part of the labia majora or labia minora or clitoris of another person who has not attained the age of 18 years shall be fined under this title or imprisoned not more than 5 years, or both.

(b) A surgical operation is not a violation of this section if the operation is—

(1) necessary to the health of the person on whom it is performed, and is performed by a person licensed in the place of its performance as a medical practitioner; or

(2) performed on a person in labor or who has just given birth and is performed for medical purposes connected with that labor or birth by a person licensed in the place it is performed as a medical practitioner, midwife, or person in training to become such a practitioner or midwife.

(c) In applying subsection (b)(1), no account shall be taken of the effect on the person on whom the operation is to be performed of any belief on the part of that person, or any other person, that the operation is required as a matter of custom or ritual.

(Added Pub. L. 104-208, div. C, title VI, § 645(b)(1), Sept. 30, 1996, 110 Stat. 3009-709.)

EFFECTIVE DATE

Section 645(c) of div. C of Pub. L. 104-208 provided that: “The amendments made by subsection (b) [enacting this section] shall take effect on the date that is 180 days after the date of the enactment of this Act [Sept. 30, 1996].”

CONGRESSIONAL FINDINGS

Section 645(a) of div. C of Pub. L. 104-208 provided that: “The Congress finds that—

“(1) the practice of female genital mutilation is carried out by members of certain cultural and religious groups within the United States;

“(2) the practice of female genital mutilation often results in the occurrence of physical and psychological health effects that harm the women involved;

“(3) such mutilation infringes upon the guarantees of rights secured by Federal and State law, both statutory and constitutional;

“(4) the unique circumstances surrounding the practice of female genital mutilation place it beyond the ability of any single State or local jurisdiction to control;

“(5) the practice of female genital mutilation can be prohibited without abridging the exercise of any rights guaranteed under the first amendment to the Constitution or under any other law; and

“(6) Congress has the affirmative power under section 8 of article I, the necessary and proper clause, section 5 of the fourteenth Amendment, as well as under the treaty clause, to the Constitution to enact such legislation.”

CHAPTER 9—BANKRUPTCY

Sec.	
151.	Definition.
152.	Concealment of assets; false oaths and claims; bribery.
153.	Embezzlement against estate.
154.	Adverse interest and conduct of officers.
155.	Fee agreements in cases under title 11 and receiverships.
156.	Knowing disregard of bankruptcy law or rule.
157.	Bankruptcy fraud.

AMENDMENTS

1994—Pub. L. 103-394, title III, § 312(a)(2), Oct. 22, 1994, 108 Stat. 4140, substituted “against estate” for “by

trustee or officer” in item 153 and added items 156 and 157.

1978—Pub. L. 95-598, title III, § 314(b)(2), (d)(3), (e)(3), (f)(3), Nov. 6, 1978, 92 Stat. 2677, substituted in item 151 “Definition” for “Definitions”; struck from item 153 “, receiver” after “trustee” and from item 154 “referees and other” before “officers”; and substituted in item 155 “cases under title 11 and receiverships” for “bankruptcy proceedings”.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in section 3057 of this title.

§ 151. Definition

As used in this chapter, the term “debtor” means a debtor concerning whom a petition has been filed under title 11.

(June 25, 1948, ch. 645, 62 Stat. 689; Pub. L. 95-598, title III, § 314(b)(1), Nov. 6, 1978, 92 Stat. 2676; Pub. L. 103-322, title XXXIII, § 330008(5), Sept. 13, 1994, 108 Stat. 2143.)

HISTORICAL AND REVISION NOTES

Based on section 52(f) of title 11, U.S.C., 1940 ed., Bankruptcy (July 1, 1898, ch. 541, § 29f as added June 22, 1938, ch. 575, § 1, 52 Stat. 857).

Definition of “bankruptcy” was added to avoid repetitious references to said title 11.

Minor changes in phraseology was made.

AMENDMENTS

1994—Pub. L. 103-322 substituted “means” for “mean”.

1978—Pub. L. 95-598 substituted “Definition” for “Definitions” in section catchline, substituted definition of “debtor” as a debtor concerning whom a petition has been filed under title 11 for definition of “bankrupt” as a debtor by or against whom a petition has been filed under title 11, and struck out definition of “bankruptcy” as including any proceeding, arrangement, or plan pursuant to title 11.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-598 effective Oct. 1, 1979, see section 402(a) of Pub. L. 95-598, set out as an Effective Date note preceding section 101 of Title 11, Bankruptcy.

SAVINGS PROVISION

Amendment by section 314 of Pub. L. 95-598 not to affect the application of chapter 9 (§ 151 et seq.), chapter 96 (§ 1961 et seq.), or section 2516, 3057, or 3284 of this title to any act of any person (1) committed before Oct. 1, 1979, or (2) committed after Oct. 1, 1979, in connection with a case commenced before such date, see section 403(d) of Pub. L. 95-598, set out as a note preceding section 101 of Title 11, Bankruptcy.

§ 152. Concealment of assets; false oaths and claims; bribery

A person who—

(1) knowingly and fraudulently conceals from a custodian, trustee, marshal, or other officer of the court charged with the control or custody of property, or, in connection with a case under title 11, from creditors or the United States Trustee, any property belonging to the estate of a debtor;

(2) knowingly and fraudulently makes a false oath or account in or in relation to any case under title 11;

(3) knowingly and fraudulently makes a false declaration, certificate, verification, or statement under penalty of perjury as per-